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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/126,007	07/29/1998	YOJI KAWAMOTO	SONY-P8779	8417

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EXAMINER

CRAVER, CHARLES R

ART UNIT PAPER NUMBER

2682

DATE MAILED: 08/03/2004

23

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/126,007

Applicant(s)

KAWAMOTO, YOJI

Examiner

Charles R Craver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,12-14,50,52,56,57,64,65,73,74,82,84,86,88-91 and 102-135 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 56,57,64 and 65 is/are allowed.
- 6) ☒ Claim(s) 1-5,12-14,50,52,73,74,82,84,86,88-91,102,104-108 and 110-125 is/are rejected.
- 7) ☒ Claim(s) 103,109 and 126-135 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>22</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 12-14, 50, 52, 73, 74, 82, 84, 86, 88-91, 102, 104-108 and 110-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull.

Claims 1, 12, 82 and 84: Hull discloses an information processing apparatus (10) embodying a program of instructions adapted to exchange information with a second information processing apparatus (see FIG 1) comprising

input device means for capturing information (20), comprising memory means for storing the captured information (24),

acquisition circuit means (22) for acquiring data associated with said captured information, on the basis of said information, and

display means (30) for displaying the acquired data (col 1 line 66-col 2 line 63).

Hull fails to disclose time information, however the use of a time stamp in a camcorder was a notoriously well-known feature at the time of the invention, as exemplified by Andersson, US Pat 6,094,221, where it is stated that a time-stamp was a part of a typical digital camera at the time of the invention (col 2 lines 55-67). As such

the examiner takes Official Notice of such a feature, asserting that it would have been obvious to use such a known feature in Hull.

Claim 2: Hull discloses means to transmit the data to the other device through a cellular network, as well as means to receive said data from the other device (col 1 lines 43-53).

Claims 3 and 14: Hull discloses that the acquired information is stored in a memory (24).

Claims 4 and 73: the inventions of claims 4 and 73 are the method inherently performed by the apparatus invention of claims 1 and 12, and as such is rejected using the same reasoning as set forth above.

Claim 5: while Hull discloses a transmission medium and a controller 23 inherently using a program, but fails to disclose that the program may be sent via the medium, such was notoriously well known in the art at the time of the invention, and as such Official Notice of such a feature is taken. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the mobile to be programmable, as such allows the mobile software to be updated without needing to bring the mobile into a physical location.

Claims 13, 86, 88 and 90: please see the rejection of claim 2 above.

Claims 50 and 52: Hull discloses that the radio connection is a cellular telephone connection.

Claim 74: the use of a floppy disk would have been an obvious choice for the device, as such is portable.

Claims 89 and 91: Hull discloses that the radio connection is a cellular telephone connection. **Claims 102 and 108:** Hull discloses that the user initiates the capture, which would inherently use a button. **Claims 104 and 110:** Hull discloses a cellular phone, which includes a microphone. **Claims 105-107 and 111-113:** the use of a common hiding circuit would have been an obvious addition to one of ordinary skill in the art at the time of the invention since such would provide more security for said captured information. **Claims 114-117:** Hull discloses that the other device may be a network device, which would inherently include a computer/database.

Claim 118: Hull discloses an information processing apparatus (10) comprising a recording device (20) for recording information, a memory for storing said information, and a circuit to acquire said information and display it on a display (col 1 line 66-col 2 line 62). Hull fails to mention that the information is associated with played music, however, using the camera to record music, for example, a live show, would have been an obvious use of a camera to one of ordinary skill in the art at the time of the invention. **Claim 119:** the use of a time stamp in a camcorder was a notoriously well-known feature at the time of the invention, as exemplified by Andersson, US Pat 6,094,221, where it is stated that a time-stamp was a part of a typical digital camera at the time of the invention (col 2 lines 55-67). As such, the examiner takes Official Notice of such a feature, asserting that it would have been obvious to use such a known feature in Hull. **Claim 120:** the images recorded in Hull relate to the music as it is part of the recording. **Claim 121:** Hull discloses a telephone circuit 28. **Claim 122:** Hull discloses means to receive said information from the camera and transmit it via radio (26, 28). **Claims 123**

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and 124: a record button would be inherent in the camera of Hull. **Claim 125:** Hull discloses a cellular device, inherently comprising a microphone.

Allowable Subject Matter

3. Claims 56, 57, 64 and 65 are allowed.
4. Claims 103, 109 and 126-135 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 56, 57, 64 and 65 all teach towards an information processing apparatus comprising means for capturing and storing information, means for acquiring data associated with said captured information on the basis of said information, and means for displaying the acquired data, wherein the data includes a song title, a singer's name, a composer's name, a songwriter's name or a genre.

Claims 103, 109 and 126-135 all teach towards a means for capturing information including time information with a memory means and means for acquiring and displaying data associated with the recorded data, wherein the time information corresponds to a time when music is playing and the information acquired is associated with the music.

Response to Arguments

Applicant's arguments filed 5-11-04 have been fully considered but they are not persuasive.

Regarding Hull, the examiner asserts that Hull indeed teaches means for acquiring data associated with the stored information, in the form of GPS data, taught by Hull, said data being associated on the basis of the stored information, since it is applied to a specific image. Second, the examiner asserts that a time-stamp was so notoriously well-known in the art that it was a standard feature on digital cameras from the beginning. To support the assertion, the examiner has cited Andersoin to show that indeed a time-stamp was a typical part of a digital camera at the time of applicant's invention. Note that a time-stamp has been a typical feature of film cameras and camcorders for decades as well, and is not a feature that unreasonably impacts the price, size or weight of a camera.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Andersoin, Shimizu, Listserv Service at SUNET, Digital Cameras: The Basics and Digital Photography News Archive all disclose the use of a time-stamp in a camera.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 for both formal and informal/draft communications, labeled as such.

Hand delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington VA, sixth floor (receptionist).

Any inquiry concerning this or earlier communications from the examiner should be directed to examiner Charles Craver at (703) 305-3965.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-4700.

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CC

C.Craver

July 26, 2004

ML 7/26/04
CHARLES M. LEE
PATENT EXAMINER